

House Bill 1563

By: Representatives Hatfield of the 177th, Mumford of the 95th, and Franklin of the 43rd

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 35-3-37 of the Official Code of Georgia Annotated, relating to inspection of criminal records and purging, modifying, or supplementing of records, so as to provide that a person who is found not guilty after a criminal trial shall be entitled to have the record of his or her arrest expunged; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 35-3-37 of the Official Code of Georgia Annotated, relating to inspection of criminal records and purging, modifying, or supplementing of records, is amended by striking in its entirety paragraph (1) of subsection (d) and inserting in lieu thereof the following:

"(1) An individual who was:

(A) Arrested for an offense under the laws of this state but subsequent to such arrest is released by the arresting agency without such offense being referred to the prosecuting attorney for prosecution; ~~or~~

(B) After such offense referred to the proper prosecuting attorney, and the prosecuting attorney dismisses the charges without seeking an indictment or filing an accusation;

or

(C) Acquitted after a trial of the charges relating to an arrest

may request the original agency in writing to expunge the records of such arrest, including any fingerprints or photographs of the individual taken in conjunction with such arrest, from the agency files. Such request shall be in such form as the center shall prescribe. Reasonable fees shall be charged by the original agency and the center for the actual costs of the purging of such records, provided that such fees shall not exceed \$50.00."

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